

case they deem it necessary to summon and examine witnesses who shall be sworn by the presiding commissioner. Any such commissioner who having received notice of his appointment as such shall wilfully refuse to perform the duties herein required of him, shall be guilty of a misdemeanor and upon conviction shall be fined at the discretion of the court not exceeding one hundred dollars for each offense. The court shall have power for cause shown to remove any of said commissioners, and in such case and in all cases of vacancy to

Vacancies.

SEC. 5. The third commissioner shall cause ten days' notice to be given to the parties and to the other commissioners of the time and place of meeting and shall preside at such meeting.

Notice to be given.

SEC. 6. The commissioners at the time specified in said notice shall meet at the place designated and examine the proposed work and all the tracts of land to be affected thereby. They shall locate and work the beginning, terminus and track of the work, and determine its extent, length, height, depth, width and probable cost, and make report of the same and return it under their hands to the next term of the superior court for confirmation, subject to exceptions by either party.

Commissioners to examine the proposed work.

SEC. 7. Upon confirmation of said report it shall be lawful for any of said land owners within one year to enter upon and complete that part of said work which may be upon his own land, and in case the proposed work shall be the dividing line between any of said tracts of land, then such adjacent land owner may within one year complete one half of said work to be designated by the commissioners aforesaid, and in case all of said work be not completed in one year, then any of said land-owners may enter upon any of said lands and complete the work.

Upon confirmation of report.

SEC. 8. After completion of said work and upon application of any of the said land owners upon ten days' notice to all the others, the court in term time shall ap-

The court may appoint the same or a like commission.